

Coordinated Tribal Water Quality Program



Introduction:

The Coordinated Tribal Water Quality Program was developed by the 26 participating federally recognized Indian tribes in the State of Washington. Tribes have received CTWQP funding through the Environmental Protection Agency and Congress for the past six years. These funds are enabling the tribes to conduct water quality programs critical to the management of their treaty protected resources, and provide for the health of their members and environment. Federal funding of the CTWQP is necessary under the trust responsibility of the United States to implement the Stevens Treaties.

The base level funding requirement for the CTWQP is \$2.5 million per year. This provides \$90,900 to each of the 26 tribes for their individual programs and \$136,000 for statewide program coordination. This funding structure provides for extremely low overhead with 94.5 percent of the funds going to on-the-ground activities and just 5.5 percent for coordination.

The CTWQP is designed to provide base-level staff infrastructure for tribes to begin addressing the water quality concerns that are threatening their reservations and treaty-protected resources. Water pollution in Washington state threatens the health of tribal members and their treaty protected resources without respect to political boundaries. Tribal jurisdictions interlock with many other jurisdictions, including some of the most densely populated and industrial areas in the state.

Three commonalities guide program design and implementation:

- ❖ All tribes are confronted by serious water quality issues;
- ❖ All tribes require necessary infrastructure to adequately address these issues; and
- ❖ A watershed/ecosystem approach is the best approach to solving these issues because of their multi-jurisdictional nature.

The tribes in Washington state developed and adopted the CTWQP as a watershed protection strategy to safeguard the resources on which they depend for their economic, spiritual and cultural survival. This strategy provides the development of infrastructure, program implementation and statewide coordination.

At a time when the EPA is working to improve responsiveness to Indian governments and Indian lands, the Coordinated Tribal Water Quality Program provides a national model. The program demonstrates how tribes and the EPA can improve the structure of their relationships, thereby improving the success of ecosystem management approaches. Additionally, this model program has produced transferable tools that can be shared with tribes throughout the nation. These tools include:

- ❖ A tribal water quality standards template;
- ❖ A coordinated tribal water quality program design manual; and
- ❖ A cooperative state/tribal 303(d) strategy.

The tribes know that the battle against water pollution cannot be fought alone. To succeed, it will require cooperative, coordinated efforts with other governments. To make every funding dollar work to its fullest, the tribes are building partnerships with other governments to implement coordinated, cooperative programs that address water quality issues.

For the past 20 years the tribes in Washington state have been successfully developing comprehensive, cooperative agreements with state and local governments and private interest groups to protect and manage natural resources, especially those resources essential to the survival of fish and shellfish. These processes, unique in the nation, have brought previously contending parties together in efforts to address mutual needs.

The tribes are committed to managing water quality on a watershed/ecosystem basis that transcends political boundaries. To that end, the tribes have developed the CTWQP, which benefits not only the tribes, but all residents of the state.

The federally recognized tribes in Washington are confronted by serious water pollution issues, but lack the means by which they can be adequately addressed. The main sources of pollution degrading tribal waters are:

- ❖ Logging and other silvicultural activities;
- ❖ Agricultural practices;
- ❖ Shipping accidents that create major oil spills;
- ❖ Urbanization;
- ❖ Failing septic systems;
- ❖ Stormwater runoff and combined sewer overflows;
- ❖ Municipal and industrial discharge;
- ❖ Industrial point source pollution;
- ❖ Municipal and industrial water diversions; and
- ❖ Mining.

Many of these sources of pollution originate away from tribal reservations, yet still threaten tribal health and well-being. These types of pollution threaten the survival of salmon, shellfish and other natural resources on which the tribes depend for their survival. Shellfish alone represent a \$10 million industry in the state. Tribal harvest of salmon for ceremonial, subsistence and commercial purposes ranges from two to five million fish annually.

Nearly all of the tribes operate hatcheries and other facilities to supplement stocks of wild salmon. These facilities, which depend on

clean water for their operation, produce an average of 40 million young salmon annually.

Participating tribes want the CTWQP coordinating mechanism and technical components to build on the existing efforts of individual tribes and other entities to improve water quality. The CTWQP is neither intended to replace existing tribal programs nor compete with them for funding.

The Coordinated Tribal Water Quality Program is producing tribal water quality protection tools with nationwide applicability.

The Program

For six years the 26 Indian Tribes in the State of Washington have been implementing the Coordinated Tribal Water Quality Program. Much has been accomplished in that time. As previously described, the CTWQP has two components: individual tribal programs and coordination.

Individual Tribal Programs

Each of the 26 tribes have professional staff to accomplish program activities. Work in FY 96 primarily centered on assessing water quality conditions, establishing program priorities and initiating watershed programs. Time also was spent on integrating tribal water quality programs into existing tribal resource management and reservation planning programs. After initial infrastructure development was completed, tribes pro-

ceeded to monitor water quality trends, map problem areas, clean up shellfish beds, establish wellhead protection programs, develop water quality standards and improve reservation wastewater management systems. As sovereign governments and partners in water quality management, the tribes also began participating in cooperative watershed-based inter-governmental water quality protection activities.

Coordination

The Northwest Indian Fisheries Commission, functioning as the coordination entity for the CTWQP, organizes and facilitates bi-monthly program meetings, provides a forum for program policy development, serves as an information clearinghouse, represents tribal interests on statewide policy and technical committees, arranges meetings of tribal, state and federal participants to address water quality issues, facilitates implementation of tribal water quality programs, and works to maintain program funding. The intent is to support individual tribal programs while maintaining a coordinated program focus, allowing tribes to focus on their local water quality concerns.

Accomplishments

The success of this tribal water quality protection strategy is encapsulated in the following list of program accomplishments. This is not intended to be a comprehensive list, but a representation of program achievements and the widespread environmental benefits that can be attributed to the program. The success of water quality protection and restoration in Washington state requires the tribes to be full and consistent partners.

Tribal Program Accomplishments:

- ❖ The Stillaguamish Tribe, in cooperation with the Snohomish County Conservation District, reduced fecal contamination in Portage Creek, a tributary to the Stillaguamish River.
 - ❖ The Hoh Tribe worked with the Washington State Department of Transportation and Jefferson County to minimize water quality impacts from road placement and construction in the upper Hoh River watershed.
 - ❖ The Muckleshoot Tribe worked to improve coordination with state and local governments on individual permit actions, comprehensive land-use, watershed management, and water quality data collection. In addition, the tribe's water quality analysis was central to assisting legislators in creating a Livestock Density and Fencing Ordinance for King County.
 - ❖ The Lower Elwha Klallam Tribe identified and closed four abandoned wells that posed a contaminant threat to the tribe's groundwater source. The tribe also inventoried 35 domestic wells.
 - ❖ The Quinault Indian Nation continued to conduct comprehensive water quality monitoring at 18 sites within its reservation boundaries. The tribe also worked with neighboring jurisdictions on the review and evaluation of a variety of land-use issues.
 - ❖ The Spokane Tribe completed its Draft Water Quality Standards and Draft Water Code and revised its Standard Operating Procedures Manual. Field work included continued monitoring for bacterial contamination of reservation public drinking water systems.
 - ❖ The Port Gamble S'Klallam Tribe completed a wetlands catalog and map for all reservation lands and continued its Environmental Day public education event.
- CTWQP activities and accomplishments by Skagit System Cooperative, a consortium of the Sauk-Suiattle, Upper Skagit and Swinomish tribes, included:
- ❖ A completed agreement with Skagit County Public Utility District No. 1 and the City of Anacortes regarding instream flows in the Skagit River and its tributaries;
 - ❖ Work with the U.S. Army Corps of Engineers on flood protection and remediation activities;
 - ❖ Work with the Washington Department of Fish and Wildlife to restrict dredging by Skagit County;
 - ❖ Development of a proposal to restore 60 acres of tidal slough habitat; and
 - ❖ Participation in a successful effort encouraging Skagit County to adopt a critical areas ordinance that provides 100-200 foot buffers along fish-bearing streams.
- ❖ The Chehalis Tribe finalized its Tribal Water Quality Standards and completed a Tribal Environmental Agreement with EPA. The tribe continued to play a major role in managing the water resources of the Chehalis River basin. As part of that effort, the tribe's water quality laboratory was accredited by the state for another year.
 - ❖ The Nooksack Tribe instituted a monitoring program that includes 30 sites within the Nooksack River system. The tribe also conducted specific remedial work with the Washington Department of Ecology and EPA to address water quality impacts resulting from agricultural practices.
 - ❖ The Jamestown S'Klallam Tribe worked with other jurisdictions to reduce irrigation drawdowns on the Dungeness River.
 - ❖ The Makah Tribe implemented a shellfish management and protection program along Washington's northern coast.
 - ❖ The Suquamish Tribe conducted detailed groundwater assessments on its reservation.

Statewide Program Accomplishments:

Working together, the CTWQP and EPA Region 10 developed the Tribal Water Quality Standards Template to assist tribes in the development of tribal water quality standards. The template was created to provide a basic model of the format and text of a

water quality standards document. It is intended to be used by tribes to both increase efficiency in the standards development process, and to build consistency in how tribes approach the development of water quality standards in the state.

As part of a statewide water quality management model, the tribes, EPA and the Washington Department of Ecology formed a partnership to improve implementation of Section 303(d) of the federal Clean Water Act. This section requires states to create a list of water bodies not currently meeting state water quality standards. States are under increasing pressure to fully implement this section of the Act.

Tribal governments have serious concerns regarding listing and de-listing processes associated with Section 303(d). Developing cooperative, watershed-based processes for water quality protection and improving the application of Section 303(d) to surface waters in Washington state will maximize the efficiency of state and tribal water quality protection programs.

The Coordinated Tribal Water Quality Program is also working with state Department of Ecology staff in the development of the state's Nonpoint Source Pollution Management Strategy Plan. The strategy will address nonpoint issues throughout the state. The goal of the tribes is to improve the implementation of nonpoint source pollution control activities while cementing a partnership with the state in water quality protection efforts.

A Model EPA/Tribal Partnership:

As the EPA has begun to address its responsibility to tribal lands and resources, the CTWQP is demonstrat-

ing how the tribes and EPA can work together. The program also is fulfilling EPA goals for working with Indian governments and lands. Those goals include:

Through the Coordinated Tribal Water Quality Program, the tribes want to achieve for waters in Washington state the same goal as the federal Clean Water Act: To restore and maintain the chemical, physical and biological integrity of the nation's waters.

- ❖ Development of tribal management capacity;
- ❖ Delegation of environmental protection programs to tribes; and
- ❖ Encouragement of cooperation between tribal, state and local governments to resolve environmental problems of mutual concern.

The Coordinated Tribal Water Quality Program is producing tribal water quality protection tools with nationwide applicability. To date, three distinct tools have been developed:

- ❖ A program design structure that works to coordinate the activities of 26 individual tribal government programs while supporting both their autonomy and sovereignty;

- ❖ The Tribal Water Quality Standards Template, a document created to assist tribes and tribal staff who have selected to incorporate the development of water quality standards into their water quality protection programs.
- ❖ The 303(d) Cooperative Implementation Plan. This plan outlines an inter-governmental working relationship between the state Department of Ecology and individual tribal governments in completing the 303(d) listing process both on and off-reservation throughout the state's watersheds.

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For More Information

For more information about the natural resource management activities of the treaty Indian tribes in western Washington, contact the Northwest Indian Fisheries Commission, 6730 Martin Way E., Olympia, WA 98515; or call (360) 438-1180. The NWIFC home page is available on the World Wide Web at <http://mako.nwifc.wa.gov>.